

# Council tackles details of APFO, mulching and TIF bills in work session



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The County council dug into the details of several major bills during a nine-hour work session on Monday.

Beginning with the adequate public facilities ordinance bill and then moving onto the mulching and Columbia public financing bills, the council questioned and debated the legislative details with a number of county leaders, including [Howard County General Hospital](#) President Steven Snelgrove, Board of Education members, Department of Planning and Zoning Director Valdis Lazdins, representatives from the county executive's office and representatives from Columbia's master developer, Howard Hughes Corp.

The council spent more than three hours delving into the contentious [adequate public facilities ordinance, or APFO, update](#). The bill, which was first introduced in 1992, is meant to make sure county infrastructure keeps pace with a rising population, often as a result of development.

Discussion of the APFO focused on how the update would affect schools in the county, and how the county determines if an area in its jurisdiction can handle the addition of newly built housing, which is completed using a "school capacity test."

Currently, an area in the county is closed to development once schools have reached 115 percent capacity; high schools are not included as part of the test. As of 2016, seven elementary schools, two middle schools and three high schools are over 110 percent capacity, according to county data.

Council members debated at length with board of education members over when the county should become aware that a school is reaching a “danger zone” of overpopulation, and when process for the construction of a new school should begin.

Board of Education Chairwoman Cindy Vaillancourt said that while the school board can determine when a new school is needed, it does not control its funds to construct new buildings, which is included in the annual budget written by the county executive, voted on by the council and approved by the executive.

Vaillancourt said that in recent years, the board has not had enough funding to properly maintain all of the existing schools in the county, let alone to build multiple new schools.

The council also debated the “chicken and egg” problem, as council Chairman Jon Weinstein put it, that the policy it sets through APFO could be undermined by the upcoming redistricting by the board of education. However, the board also will not be able to know the effect of the updated APFO on school populations before it must vote on redistricting in November.

Outside of education, APFO discussion also included a presentation from Snelgrove about the struggles the hospital faces in the coming years as its facilities work to keep up with a growing and aging population that requires more resources.

Snelgrove said the hospital is in need of support from the county to meet its increasing demands, due in part, he said, because the county’s population is aging at double the rate of the rest of the state.

While Councilman Calvin Ball suggested the potential to include the hospital in a capacity-like test similar to that of the schools, Howard County Solicitor Gary Kuc noted the difficulty in doing so given that the hospital is a privately

owned entity and therefore not subject to APFO tests in the way that public facilities are.

The council next moved to the also controversial [mulching legislation](#), which would allow some industrial mulching on agricultural land. Lazdins of the planning and zoning department and the department's deputy director, Amy Gowan, presented several proposed amendments to the bill, including new definitions for a natural wood waste facility and renaming "tree farms" listed in the bill as "horticultural nurseries."

Gowan said the change in terminology to horticultural nurseries was a result of public testimony from farmers in the area who said that disposal and composting applies to other types of plants and shrubs more so than simply trees.

Another amendment included clarifying that compost and natural wood waste recycling facilities may compost for non-commercial use as long as the facilities do not request a state permit. The use area for a natural wood waste facility is also proposed to be cut in half from two to one acre.

Gowan also introduced an amendment to increase the setbacks for composting facilities to 300 feet from the property line of a residential lot, an increase from 200 feet.

The night ended with debate over the [proposed repeal](#) of bill allowing a tax increment funding public financing deal in Columbia. Council members Jen Terrasa and Ball introduced the repeal bill last month after learning the proposed \$51 million public parking garage would no longer be funded by the TIF, but instead paid for and operated by Columbia's master developer, Howard Hughes Corp.

Council members, in particular Terrasa, questioned Howard Hughes officials over exactly how the planned parking garage would remain open to the public.

Howard Hughes Senior Vice President John DeWolf said at least 25 percent of the spaces in the garage, approximately 500, would remain open to the public at all times. While the garage would primarily service the nearby planned business center, it would also serve people visiting downtown Columbia, particularly in the evenings.

Carl DeLorenzo, the administration's director of policy and programs, reiterated Kittleman's stance that the new agreement between Howard Hughes and the county presented a better deal to taxpayers, as they would still get the benefits of the garage, but the money slated for the garage could now be put toward accelerated road improvements in the area.

After the hours of discussion and debate, the council ended the night with indecision, opting to schedule another work session for Oct. 2 following that night's legislative session.